

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Nicholas T. Stroeder,

Civil No. 10-4115 (PAM/JJK)

Plaintiff,

v.

ORDER

Joan Fabian, Bruce Riser, Greg
Smith, and Scott Yozamp,

Defendants.

This matter is before the Court on the Report and Recommendation (“R&R”) of Magistrate Judge Jeffrey J. Keyes dated April 27, 2011. In the R&R, Magistrate Judge Keyes reviewed Plaintiff’s Second Amended Complaint for Violation of Civil Rights under 42 U.S.C. § 1983 (Docket No. 17).¹ See 28 U.S.C. § 636(b)(1), L.R. 72.1. The Magistrate Judge’s review satisfies this Court’s initial screening function under 28 U.S.C. § 1915A. Plaintiff has failed to file objections to the R&R in the time period permitted. The Court therefore **ADOPTS** the R&R (Docket No. 18).

¹ As the Magistrate Judge noted, Plaintiff’s First Amended Complaint (Docket No. 14) included a theretofore unnamed co-plaintiff, Mr. Billy M. Peterson. Plaintiff’s Second Amended Complaint omitted Mr. Peterson as a co-plaintiff, therefore, the Court finds that Mr. Peterson has abandoned this action.

Accordingly, **IT IS HEREBY ORDERED that:**

1. The Report and Recommendation (Docket No. 18) is **ADOPTED**;
2. All claims of Billy M. Peterson are summarily **DISMISSED without prejudice**, and Billy M. Peterson is **DISMISSED** from this action; and
3. Plaintiff Nicholas T. Stroeder's claims against Defendants Joan Fabian and Bruce Riser are summarily **DISMISSED** pursuant to 28 U.S.C. § 1915A(b).

Dated: Monday, May 16, 2011

s/ Paul A. Magnuson
Paul A. Magnuson
United States District Court Judge